

REMARKS

The application has been amended to place it in condition for allowance at the time of the next Official Action.

The specification is amended to add section headings. No new matter is added.

Claims 1-15 were previously pending in the application. Claim 4 is cancelled and new claim 19 is added. Therefore, claims 1-3, 5-16 and 19 are presented for consideration.

Claims 1 and 11 are amended to remove the term "notably" to obviate the 35 USC 112, second paragraph rejection and withdrawal of the same is respectfully requested.

Amending claim 1 to include the subject matter of claim 4 is believed to obviate the rejection under 35 USC 102(b) of claims 1-3, 8 and 10-15 as being anticipated by RUBSCH 690,375.

Amending claim 1 to include the subject matter of claim 4 is believed to obviate the rejection under 35 USC 102(b) of claims 1-3, 8 and 10-15 as being anticipated by WYMONDE 628,378.

Amending claim 1 to include the subject matter of claim 4 is believed to obviate the rejection under 35 USC 102(b) of claims 1-3, 8-13 and 15 as being anticipated by MÜLLER et al. 4,515,483.

Claims 4, 6 and 7 were rejected under 35 USC 103(a) as being unpatentable over RUBSCH. That rejection is respectfully traversed.

The subject matter of claim 4 has been added to claim 1 and recites a plurality of planar blades that are each in the shape of a sector, with a center angle between 20 and 120°. Thus, three criteria must be met. First, having planar blades; second, having the blades in the shape of a sector and third, the sector each having an angle between 20 and 120°.

The position set forth in the Official Action is that the angle between 20 and 120° and could be optimized.

However, even if one of ordinary skill in the art were to recognize the sector of the blade as a results effective variable that might be optimized, the invention of claim 1 would not result.

That is, the blades of RUBSCH are not planar and rather are helical. Moreover, the helical blades of RUBSCH appear to be substantially in the shape of a rectangle, not a sector.

Accordingly, as each of the recited features is not disclosed by RUBSCH, even if one were to optimize the angle between 20 and 120°, the invention of claim 1 would not result.

4, 6 and 7 were rejected under 35 USC 103(a) as being unpatentable over WYMONDE. That rejection is respectfully traversed.

As set forth above, the subject matter of claim 4 has been added to claim 1 and recites a plurality of planar blades that are each in the shape of a sector, with a center angle between 20 and 120°. Thus, three criteria must be met. First,

having planar blades; second, having the blades in the shape of a sector and third, the sector each having an angle between 20 and 120°.

The position set forth in the Official Action is that the angle between 20 and 120° and could be optimized.

However, even if one of ordinary skill in the art were to recognize the sector of the blade as a results effective variable that might be optimized, the invention of claim 1 would not result.

That is, the blades of WYMONDE are not planar and rather are curved as best seen in Figure 1. Moreover, the curved blades of WYMONDE appear to be substantially in the shape of a rectangle, not a sector.

Accordingly, as each of the recited features is not disclosed by WYMONDE, even if one were to optimize the angle between 20 and 120°, the invention of claim 1 would not result.

4-7 were rejected under 35 USC 103(a) as being unpatentable over MÜLLER. That rejection is respectfully traversed.

As set forth above, the subject matter of claim 4 has been added to claim 1 and recites a plurality of planar blades that are each in the shape of a sector, with a center angle between 20 and 120°. Thus, three criteria must be met. First, having planar blades; second, having the blades in the shape of a

sector and third, the sector each having an angle between 20 and 120°.

The position set forth in the Official Action is that the angle between 20 and 120° and could be optimized.

However, even if one of ordinary skill in the art were to recognize the sector of the blade as a results effective variable that might be optimized, the invention of claim 1 would not result.

That is, the blades of MÜLLER are not planar and rather are helical (see screw type conveyor 3 of Figure 1 and column 3, lines 50-52). Moreover, the helical blades of MÜLLER appear to be substantially in the shape of a rectangle, not a sector.

Accordingly, as each of the recited features is not disclosed by MÜLLER, even if one were to optimize the angle between 20 and 120°, the invention of claim 1 would not result.

Further, column 2, lines 57-60 of MÜLLER disclose that conveyor 3 moves flow from an inlet at the top to an outlet at the bottom. This means that flow is pushed to the bottom from the top using conveyor 3. Such a configuration does not meet the recited means configured for lifting the material from each of the levels of the working area and releasing it.

Accordingly, MÜLLER does not meet claim 1 and the claims that depend therefrom.

Further, none of RUBSCH, WYMONDE or MÜLLER recognize the advantages obtained by the recited blades as disclosed by way

of example on page 6, line 20 to page 7, line 11 and thus, it would not have been obvious to modify these references to meet claim 1.

New claim 19 is added. Support for claim 19 can be found at least in original claim 1 and Figure 1.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Should there be any matters that need further clarification, the Examiner is respectfully requested to contact the undersigned attorney at the below number.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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